

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

##### PREAMBLE

1. **Sections Affected**

R4-7-502	Rulemaking Action
R4-7-503	New Section
R4-7-504	New Section
	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. § 32-904(B)(2)

Implementing statutes: A.R.S. § 41-1072
3. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Patrice A. Pritzl, Executive Director
Address:	Board of Chiropractic Examiners 5060 North 19th Avenue, Suite 416 Phoenix, Arizona 85015-3210
Telephone:	(602) 255-1444
Fax:	(602) 255-4289
4. **An explanation of the rule, including the agency's reason for initiating the rule:**

R4-7-502, R4-7-503, and R4-7-504 will define the number of days after receipt of an application for a license in which the agency will determine whether to grant or deny a license.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**

The economic, small business, and consumer impact statement for the state of Arizona, State Board of Chiropractic Examiners, analyzes the costs, savings, and benefits that accrue to the Board of Chiropractic Examiners, Secretary of State, Board-licensed individuals, and the consumer public.

R4-7-502, R4-7-503, and R4-7-504. The impact of the proposed rules on established Board procedures, compliance, and inspection costs is minimal. The Board has been in the practice of applying procedures and time frames for the processing of license applications. The estimated cost to the Secretary of State's Office is minimal and stems from the Secretary of State's staff time publishing rules. There are no anticipated costs to licensees the consumer public.

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**7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement is:**

Name: Patrice A. Pritzl, Executive Director  
 Address: Board of Chiropractic Examiners  
 5060 North 19th Avenue, Suite 416  
 Phoenix, Arizona 85015-3210  
 Telephone: (602) 255-1444  
 Fax: (602) 255-4289

**8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An opportunity to comment on the proposed rulemaking is:

Date: April 17, 1997  
 Time: 8 a.m. to 10 a.m.

Location: Board of Chiropractic Examiners  
 5060 North 19th Avenue, Suite 416  
 Phoenix, Arizona 85015

Nature: An oral proceeding for receiving oral and written comments. Written comments may be submitted any-time on or before 5 p.m. on April 17, 1997, to the contact person listed above.

**9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

**10. Incorporations by reference and their location in the rules:**

Not applicable.

**11. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**ARTICLE 5. LICENSES; LICENSING PROCEDURES**

- R4-7-502. Procedures for Processing License Applications
- R4-7-503. Renewal License; Issuance
- R4-7-504. License; Denial

**ARTICLE 5. LICENSES; LICENSING PROCEDURES**

**R4-7-502. Procedures for Processing License Applications**

- A. A license application package may be obtained at the Board Office on business days, or by requesting that the Board mail 1 to an address specified by the applicant. An applicant shall pay the Board a non-refundable \$10 fee for each license application package.
- B. A completed license application package may be submitted to the Board office on business days. The Board shall deem the license application package received on the date that the Board stamps on the package as the package is delivered to the Board office.
- C. To complete a license application package, an applicant shall provide the following information and documentation:
  - 1. Two identical photographs, measuring 3 inches by 4 inches, showing the applicant's full front face as the applicant will appear at the time of the examination and a description of identifying characteristics, if any;
  - 2. The applicant's full current name and any former names;
  - 3. The applicant's current home and/or office address, phone number, any any previous address or addresses for the past 5 years;
  - 4. The type of license and certification for which application is made;

- 5. Payment of all fees required by A.R.S. §§ 32-921(D) and 32-922.0(F);
- 6. A record of education requirements described in A.R.S. § 32-921(B) including the applicant's chiropractic college transcript and the applicant's certificate of attainment of passing scores for Parts I, II, III, and IV of the examination conducted by the National Board of Chiropractic Examiners.
- 7. Any record of having been convicted of, or pled nolo contendere to, a misdemeanor involving moral turpitude or a felony, even if later the records were sealed or expunged or the conviction itself was set aside or forgiven, or any record of having entered into a stipulation or settlement agreement in lieu of such proceedings;
- 8. A completed fingerprint card;
- 9. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other medical profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other states or jurisdictions.
- 10. The applicant's notarized signature, attesting to the truthfulness of the information provided by the applicant.
- D. Within 20 business days of receiving a license application, the Board shall notify the applicant that the package is either complete or incomplete. If the package is incomplete, the notice shall specify what information is missing. If the Board does not provide notice to the applicant, the license application package shall be deemed complete.
- E. An applicant with an incomplete license application package shall supply the missing information within 60 calendar days

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from the date of the notice. An applicant who is unable to supply the missing information within 60 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of a complete application package, and shall define the reason that the applicant is unable to comply with the 60-day requirement and the extension time frame requested. The Board shall grant a request for an extension time if the reason the applicant was unable to comply with the 60-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.

- E. If an applicant fails to submit a complete license application package within the time permitted, the Board shall close the file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
- G. Within 20 business days of receiving all missing information as specified in subsection (E), the Board shall notify the applicant that the license application package is complete.
- H. The Board shall render a licensing decision no later than 100 business days after receiving a completed license application package. The Board shall deem a completed license application package received on the postmark date of the notice advising the applicant that the package is complete.
- I. For the purpose of A.R.S. § 41-1073, the Board establishes the following time frames for licensing:
  - 1. Administrative completeness review time frame: 20 business days.
  - 2. Substantive review time frame: 100 business days.
  - 3. Overall time frame: 120 business days.

**R4-7-503. Renewal License; Issuance**

- A. At least 30 days before a renewal application and renewal fee are due, the executive director of the Board shall send by 1st class mail to a licensee at the licensee's address of record, a renewal application and notice.
- B. A licensee shall return the license renewal application to the Board office on a business day. The date of receipt shall be the postmarked date or the date the licensee hand delivers the license renewal application and fee.
- C. To complete a license renewal application, a licensee shall provide the following information and documentation:
  - 1. The licensee's full name.
  - 2. The licensee's current home and office addresses.
  - 3. A record of any professional disciplinary investigations or sanctions taken against the licensee by a licensing board since the licensee last applied for renewal of this license.
  - 4. A record of any conviction for a misdemeanor involving moral turpitude or a felony since the licensee last applied for renewal of this license.
  - 5. The renewal fee required by A.R.S. § 32-923.
  - 6. A list of required continuing education courses which have been completed.
  - 7. The licensee's signature attesting to the truthfulness of the information provided by the licensee.
- D. In accordance with A.R.S. § 32-923(C), the Board shall automatically suspend a license if the licensee does not submit a completed application for renewal and pay the renewal fee on

or before December 31 of each calendar year. The Board shall send written notice of the license suspension to the licensee on or before January 15.

- E. The Board shall reinstate a suspended licensee if the licensee pays the annual license renewal fee, pays an additional fee of \$100 as required by A.R.S. § 32-923(D) and submits a completed license renewal application between January 1, and March 31 of the calendar year for which the license renewal is made.
- F. On or after April 1 of the calendar year for which a license renewal application was to be made, an individual who wishes to have a suspended license reinstated shall apply for reinstatement in accordance with A.R.S. § 32-923(D).
- G. An application for reinstatement of license may be obtained at the Board office on business days or by requesting that the Board mail 1 to an address specified by the applicant.
- H. A completed application for reinstatement of license shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of license received on the date that the Board stamps on the application as it is delivered to the Board office.
- I. To complete an application for reinstatement of license, an applicant shall provide the following information and documentation:
  - 1. The applicant's full current name, suspended license number, and certification number if a specialty certification was held by the licensee;
  - 2. The applicant's current clinic and home addresses and phone numbers;
  - 3. A verification of licensure from all states and jurisdictions in which the licensee is, or ever has been, licensed to practice chiropractic;
  - 4. A list of required continuing education courses completed with certification of course completion;
  - 5. A record of any professional disciplinary investigations or sanctions initiated since the date of the applicant's last application for renewal of this license;
  - 6. A record of any convictions for a misdemeanor involving moral turpitude or a felony since the date the applicant last applied to renew this license;
  - 7. The applicant's notarized signature, attesting to the truthfulness of the information provided by the applicant.
- J. The Board shall process a license reinstatement application in accordance with R4-7-502.
- K. The Board shall reinstate or renew a license when the applicant or licensee has complied with the requirements of these rules and Article 8, has not had any professional disciplinary sanctions taken against the applicant or licensee's license by a licensing board since the last application for license renewal, and has not been convicted of a misdemeanor involving moral turpitude or a felony since the last application for license renewal.

**R4-7-504. License; Denial**

If the Board denies a license, the Board shall send the applicant written notice explaining:

- 1. The reason for denial, with citations to supporting statutes or rules;
- 2. The applicant's right to seek a fair hearing to challenge the denial; and
- 3. The time periods for appealing the denial.